

No.



8300019

# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Goldsmith Seeds, Inc.**

Whereas, THERE HAS BEEN PRESENTED TO THE  
**Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (U.S.C. 542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

MARIGOLD

'Janie Flame'

Attest:

*Kenneth H. Evans*  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

In Testimony Whereof, I have hereunto set  
my hand and caused the seal of the Plant  
Variety Protection Office to be affixed  
at the City of Washington  
this 27th day of January in  
the year of our Lord one thousand nine  
hundred and eighty-four.

*John R. Block*  
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED  
OMB NO. 40-R3822

**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**

INSTRUCTIONS: See Reverse.

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1a. TEMPORARY DESIGNATION OF VARIETY		1b. VARIETY NAME JANIE FLAME		FOR OFFICIAL USE ONLY PV NUMBER 8300019	
2. KIND NAME DWARF FRENCH MARIGOLD		3. GENUS AND SPECIES NAME Tagetes patula		FILING DATE 12/6/82	TIME 2:30 <sup>XXX</sup> A.M. P.M.
4. FAMILY NAME (BOTANICAL) COMPOSITAE		5. DATE OF DETERMINATION MARCH 1979		FEE RECEIVED \$ 1,000 \$ 500.00	DATE 12/6/82 1/4/84
6. NAME OF APPLICANT(S) GOLDSMITH SEEDS, INC.		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP P.O. Box 1349 2280 Hecker Pass Highway Gilroy, California 95020		8. TELEPHONE AREA CODE AND NUMBER (408)- 847-7333	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) CORPORATION			10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION CALIFORNIA		11. DATE OF INCORPORATION 1964
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: GLENN A. GOLDSMITH GOLDSMITH SEEDS, INC. P.O. Box 1349, Gilroy, California 95020					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☐ 13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.)		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED
15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? (If "Yes," give name of countries and dates.)		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? (If "Yes," give name of countries and dates.)		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

Dec 1, 1982

(DATE)

Glenn A. Goldsmith

(SIGNATURE OF APPLICANT)

1

(DATE)

(SIGNATURE OF APPLICANT)

13 A

Exhibit A

Origin and breeding history of the variety

'Janie Flame' is a selection out of pedigree:

GYPA-2K-1-3-2-1-(3)-(M)

'Janie Flame' was derived from crossing the marigold cultivar 'Janie' with two similar dwarf selections out of the cultivar 'Carmen'. Out of the resulting F<sub>2</sub> generation, one plant was selected for its dwarf, compact, and extremely early-flowering habit. This plant was self-pollinated. In the next generation one plant was selected for its compactness and earliness, and self-pollinated. The following two generations were also produced on single plant selections through self-pollination. The following generation, which was very uniform, three similar appearing dwarf, extremely early-flowering plants were selected, self-pollinated, and the seed bulked. The seed from these plants was used to plant a 1/4 acre increase block. The seed from this increase block was used as stock seed for the first production increase.

'Janie Flame' appeared stable in the stock seed production plot and in the first generation field.

As is most, if not all, French Marigold cultivars there appears an off type, generally similar to the cultivar, but has larger flowers, and a taller, looser habit. This rogue can appear as a whole plant or as a branch mutation later in the season. The frequency is +/- 1:1000 plants.

13 B

Exhibit B

Novelty statement

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The Marigold cultivar most similar to Marigold 'Janie Flame' is the variety Marigold 'Glowing Embers'. However, it differs from 'Glowing Embers' in that 'Janie Flame' (1.) flowers approx. 3 to 4 days earlier, 2.) its flowers stand above the foliage, 3.) its overall plant height is at least 2 to 3 inches (5.0 to 7.5 cm) shorter, and 4.) the foliage is more coarse.

13 B-1

Identify these varieties and state all differences objectively.

Under our field conditions located in Gilroy, California.

Marigold - - - JANIE FLAME

Color: Deep mahogany red with margins of golden-yellow.

Height: 7 to 8 inches (17 to 20 cm).

Flower size: 2 to 2-1/2 inches (5.0 to 6.3 cm) diameter.

Flower type: Loosely double with crest.

Habit: Compact mound.

Marigold - - - JANIE

Color: Light orange

Height: 7 to 8 inches (17 to 20 cm).

Flower size: 1-1/2 to 2 inches (3.8 to 5.0 cm) diameter.

Flower type: Loosely double with high crest.

Habit: Compact, mound.

Marigold - - - GLOWING EMBERS

Color: Deep mahogany red, edged with gold.

Height: 10 to 12 inches (25.4 to 30.0 cm).

Flower size: 2 to 2-1/2 inches (5.0 to 6.3 cm) diameter.

Flower type: Crested.

Habit: Compact upright.

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13 B-3

Submit, if helpful, photographs of plant comparison, clearly indicating novelty.

Enclosed are the following 35mm color slides for this use:

- 1.) Comparison of JANIE FLAME vs GLOWING EMBERS ---- taken in May from our greenhouse pack trials.
- 2.) Close-up of flower heads of JANIE FLAME.

OBJECTIVE DESCRIPTION OF VARIETY  
MARIGOLD (TAGETE)

INSTRUCTIONS - See Reverse.

NAME OF APPLICANT(S)

GOLDSMITH SEEDS, INC.

ADDRESS (Street and No., or R.F.D. No.; City, State, and ZIP Code)

P.O. Box 1349

2280 Hecker Pass Highway

Gilroy, California 95020

FOR OFFICIAL USE ONLY

PVPO NUMBER

8300019

VARIETY NAME OR TEMPORARY  
DESIGNATION

JANIE FLAME

Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (e.g., 0 8 1 9 or 0 8 1) when number is either 99 or less or 9 or less.

1. SPECIES TYPE:

1 = ERECTA (African) 2 = PATULA (French) 3 = TENUIFOLIA (Signata) 4 = LUCIDA (Sweet)

2

5 = OTHER (Specify)

2. PLOIDY:

3

1 = DIPLOID (n = ) 2 = TRIPLOID (n = ) 3 = TETRAPLOID (n = 24)

3. PLANT TYPE/HABIT:

1

1 = EXTRA DWARF (Miniature, petite) < 20 CM. 2 = DWARF 25-35 CM. 3 = SEMIDWARF 40-55 CM. 4 = TALL > 60 CM.

2

1 = ERECT 2 = SEMIERECT 3 = DECUMBENT

1

1 = COMPACT 2 = LAX

1

Flowering: 1 = LONG SEASON 2 = SHORT SEASON

4. LEAF (Middle of first flowering branch):

2

Type: 1 = SIMPLE 2 = COMPOUND

2

Leaflet: 1 = OVATE 2 = LANCEOLATE 3 = ELLIPTIC 4 = FILIFORM

3

Margin: 1 = ENTIRE 2 = CRENATE 3 = SERRATE 4 = DENTATE 5 = INCISED

0 0 9

CM. LONG

5 3

MM. WIDE

1

Anthocyanin pigment in petioles: 1 = ABSENT 2 = PRESENT

1

Glands: 1 = PUNCTATE 2 = LARGE DOTS

1

Glands: 1 = BASAL 2 = APICAL

4

Odor: 1 = NONE 2 = MILD FRAGRANCE 3 = STRONG FRAGRANCE 4 = MILD "MARIGOLD" 5 = STRONG "MARIGOLD"

5. STEM:

1

1 = STRAIGHT 2 = ZIGZAG

2

1 = BRITTLE 2 = FLEXIBLE

1

Anthocyanin: 1 = ABSENT 2 = ALONG VEINS ONLY 3 = SOLID COLORATION

1 7

CM. FROM BASE OF STEM TO INVOLUCRE OF TERMINAL FLOWER

1 0

CM. FROM BASE OF MAIN STEM TO AXIL OF TOP BRANCH

0 5

CM. FROM AXIL OF TOP BRANCH TO INVOLUCRE OF TERMINAL FLOWER

0 1

NO. OF INTERNODES BELOW FIRST BRANCH

0 5

NO. OF FIRST ORDER BRANCHES (from main stem)

6. FLOWER:

3

Type: 1 = CARNATION 2 = CHRYSANTHEMUM 3 = OTHER

Crested

2

1 = SINGLES 2 = DOUBLES

3

Silhouette: 1 = FLATTENED 2 = ROSETTE 3 = GLOBULAR

2

Odor: 1 = NONE 2 = MILD FRAGRANCE 3 = STRONG FRAGRANCE 4 = MILD "MARIGOLD" 5 = STRONG "MARIGOLD"

## 6. FLOWER: (Continued)

1 Ray: 1 = FLATTENED 2 = CURLED/TWISTED (Fantastic)

3 Apices: 1 = ENTIRE 2 = LOBED 3 = NOTCHED

2 SURFACE - Dorsal:

2 SURFACE - Ventral:

1 = GLABROUS

2 = PUBESCENT

3 = PUBESCENT ON APICE ONLY

2 LUSTER - Dorsal:

2 LUSTER - Ventral:

1 = SHINY

2 = DULL

1 PATTERN - Dorsal:

5 PATTERN - Ventral:

1 = SOLID

2 = SPOTTED

3 = STRIPED

Center: Yel-Or14A/Or28A/Red43A/Greyd-Or169A

4 = PICOTEE

5 = OTHER (Specify)

Margin: Or28A, Yel-Or14A

2 Color:

1 = SOLID

2 = BICOLOR (Specify colors):

Primary

(see above)

Secondary

State color standards used:

R.H.S. Color Chart

SIZE (Use outer row of first matured flower):

2

6

MM. LONG

5

3

MM. WIDE

3 Disc:

1 = ABSENT

2 = PRESENT, COVERED

3 = PRESENT, UNCOVERED

2 Type:

1 = NOT QUILLED

2 = QUILLED

## 7. DISEASE-RESISTANCE (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

0

ROOT-ROT (*Phytophthora*)

0

VIRUS YELLOWS

0

GREY MOLD (*Botrytis*)

0

FUSARIUM WILT

0

STEM ROT (*Sclerotinia*)

0

WITCHES BROOM

## 8. INDICATE A VARIETY THAT MOST NEARLY RESEMBLE THAT SUBMITTED

CHARACTER	VARIETY	CHARACTER	VARIETY
Plant shape	Janie	Flower size	Glowing Embers
Plant size	Janie	Flower shape	Honeycomb/Glowing Embers
Foliage	Janie	Flower color	Honeycomb/Glowing Embers

## INSTRUCTIONS

REFERENCES: The following publications may be used as a reference aid for completing this form:

(a) Bailey, L. H., 1949, Manual of Cultivated Plants, MacMillan.

(b) Royal Horticulture Society, 1965, Dictionary of Gardening, Oxford.

(c) Wyman, Donald, 1971, Wyman's Gardening Encyclopedia, MacMillan.

COLOR: Nickerson's or any recognized color fan may be used to determine the colors.

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WASHINGTON, D.C.

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EXHIBIT C